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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,143

04/14/2004

Bruce Ancona

72063

6373

7590

09/15/2006

NORMAN H. ZIVIN
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EXAMINER

HASHMI, ZIA R

ART UNIT

PAPER NUMBER

2881

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/824,143	ANCONA ET AL.	
	Examiner	Art Unit	
	Zia R. Hashmi	2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/24/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under U.S.C. 103(a) as being unpatentable over Disabito et al. (6,809,326), in view of Jenkins et al. (US 2005/0236579 A1).

3. With respect to independent claims 1 & 13, and dependent claims 2, 8-9, & 12, Disabito et al. disclose a sterilizer (Abstract, lines 1-4, col. 1, lines 45-51 & 66-67, and Fig. 1) comprising: a housing forming an enclosure; a receptacle movably arranged in the housing, the receptacle permitting the passage of UV-C radiation therethrough (Abstract, lines 8-10, col. 3, lines 5-12 & 48-52, and 50 in Fig. 1); a source of UV-C radiation (col. 1, lines 47-50, col. 2, lines 65-66, col. 6, lines 46-49, and 20 in Fig. 1); and means for rotating the receptacle inside the enclosure; wherein UV-C radiation from the source of UV-C radiation is directed through the receptacle as the receptacle is rotated (col. 3, lines 54-60, col. 8, lines 9-20, and 50 in Fig. 1)

4. With respect to claims 1, 3-7, 10-11, and 13-14, Disabito et al. fail to disclose a UV-C radiation source located within an enclosure, or details of UV-C power source. Jenkins et al. however, disclose an UV source within the processing enclosure (section 0008, lines 1-4, section 0011, section 0033, lines 6-11, and 7, 3a in Fig. 1) of a sterilizer similar to described above and having a base on which the housing is mounted (section

0059, lines 13-14 and 133 in Fig. 18-20). Furthermore, Jenkins et al. disclose details of the UV lamp power source (section 0063 and Fig. 22), including the associated switch.

Thus, it would have been obvious to one having ordinary skill at the time of the invention was made to combine the methods and apparatus of Disabito and Jenkins et al., because Jenkins et al. teach (section 0003, lines 1-4) that a number of small objects used in everyday life, particularly those used in medical and hygienic applications, can serve as a transport mechanism for disease-causing microorganisms.

Conclusion

5. Deal discloses (6,911,177) a mobile ultraviolet area sterilizer using multiple UV-C generators, such as mercury bulbs. .

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact Electronic Business Center (EBC) at 866-217-9197 (toll-free).


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zia Hashmi whose telephone number is (571) 272-2473. The examiner can normally be reached between 8.30 AM- 5 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (571) 272-2477.

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Art Unit: 2881

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Zia Hashmi

September 11, 2006


JACK BERMAN
PRIMARY EXAMINER